

REMARKS

Claims 1, 2, 4-8, 16 and 17 are pending in the application. Claims 1, 2, 5, 6 and 17 have been amended. Claims 3 and 9-16 have been previously canceled without prejudice or disclaimer. Reconsideration of this application is respectfully requested.

The Office Action rejects claims 1, 2, 4-8 and 17 under 35 U.S.C 103(a) as unpatentable over U.S. Patent No. 6,449,624 to Hammack et al., hereafter Hammack, in view of International Patent Publication No. WO 00/70417 to Dardinski et al., hereafter Dardinski.

This rejection is respectfully traversed.

Independent claims 1, 6 and 17 have been amended to recite:

“a check-out function operable on said processor to check-out said object, to use said information to determine whether any dependent objects exist *and whether at least one parent object exists*, and to automatically check-out said existing dependent objects, *wherein said stored information includes a reference to said existing parent object*”.

The amended subject matter (in italics) has support paragraphs 0013, 0031-0033 and 0038 and in Figs. 1B, 1C, 2 and 7.

At page 6 of the Office Action, the Examiner admits that Hammack does not disclose this recital, but contends that Dardinski does, citing page 9, Connection Validation and Configuration, third paragraph. However, this citation speaks to configuration and validation and not to stored information that is used by a checkout function to determine “*whether at least one parent object exists*”. Therefore, Dardinski and the combination of Dardinski and Hammack lack the above quoted recital. Thus,

independent claims 1, 6 and 17 and dependent claims 2, 4, 5, 7 and 8 are unobvious in view of the combination of Dardinski and Hammack.

The Office Action suggestion to use the combination of Hammack and Dardinski is improperly based on the hindsight of Applicants' disclosure. Such hindsight reconstruction of the art cannot be the basis of a rejection under 35 U.S.C. 103. The prior art itself must suggest that modification or provide the reason or motivation for making such modification. In re Laskowski, 871 F.2d 115, 117, 10 USPQ 2d 1397, 1398-1399 (CAFC, 1989). "The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made." Sensonics Inc. v. Aerosonic Corp. 38 USPQ 2d 1551, 1554 (CAFC, 1996), citing Interconnect Planning Corp. v. Feil, 774 F. 2d 1132, 1138, 227 USPQ 543, 547 (CAFC, 1985).

For the reasons set forth above, it is submitted that the rejection of claims 1, 2, 4-8 and 17 under 35 U.S.C. 103(a) is obviated by the amendment and should be withdrawn.

The Office Action rejects claim 16 under 35 U.S.C. 102(b) as anticipated by Dardinski.

This rejection is respectfully traversed. Independent claim 16 recites:

"when checking-in an object, determining relationships of said object by".

The Examiner cites sections 1.8, 1.8.3.6 and 1.1.1.1 as support for the rejection. Section 1.8 describes version control generally as "recording changes made to the control database and allowing the user to determine the present and past status of changes made to an object. However, section 1.8 does not describe any check-in activities.

The Examiner has made no reference to any part of Dardinski to support the two determining steps and the providing step recited in independent claim 16. Applicant has

not found any disclosure in Dardinski of these steps. Therefore, Dardinski lacks the recited two determining steps and the providing step.

Independent claim 16 recites:

“adding a name and a version of said first derivation parent to a list of object relationships, if said object being checked-in has said first derivation parent”.

The Examiner contends that the Dardinski discloses this recital, citing Section 1.8.3.6, fourth paragraph, third bullet. This bullet states that a “checked-in version of a parameterized object maintains a reference to its Previous Version, in support of the requirement to be able to “chain” down the version tree of any Parameterized Object. This would allow an application to get a version of any object which existed at a certain point of time.” The bullet states that the checked-in version “maintains a reference to the Previous version”, but does not state that the reference is added at check-in. Therefore, Dardinski lacks this recited adding step.

Independent claim 16 further recites:

“adding a name and a version of said second derivation parent to said list of object relationships, if said contained object being checked-in has said second derivation parent”.


The Examiner contends that Dardinski discloses this recital, citing Section 1.1.1.1, the first and third bullets. Section 1.1.1.1 generally states that the parameters of a Parameterized Object are both locally defined and inherited through an association to another Parameterized Object. There is no mention in either of the first and third bullets of a second derivation parent or of adding the second derivation parent to the list of object relationships at check-in time. For this reason, the Examiner’s contention is erroneous.

The first bullet describes that a Parameterized Object has an ordered one-to-many association with the Parameter Definition Object, which represents the set of locally defined parameters that “belong” to, and ultimately define, this object. However, there is no mention that the “one-to-many association” includes a second derivation parent as recited in independent claim 16. The third bullet describes a *derived* Parameterized Object, but does not describe a “second derivation parent” as recited in independent claim 16. In fact, the more detailed description at Section 1.8.3.6 does not even mention a second derivation parent. For this additional reason, the Examiner’s contention is erroneous.

For the reasons set forth above, it is submitted that the rejection of claim 16 under 35 U.S.C. 102(b) as anticipated by Dardinski is erroneous and should be withdrawn.

It is respectfully requested for the reasons set forth above that the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) be withdrawn, that claims 1, 2, 4-8, 16 and 17 be allowed and that this application be passed to issue.

Respectfully Submitted,



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Paul D. Greeley
Reg. No. 31,019
Attorney for Applicant
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford, CT 06901-2682
(203) 327-4500